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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,669	01/17/2002	Susumu Takatsuka	100809-00162(SCEY 19.350)	2201
26304	7590	07/02/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,669

Applicant(s)

TAKATSUKA ET AL.

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendments have overcome the objections to the specification and the rejection under 35 USC §112, which are hereby withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 10, 12 & 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda et al. (US Patent Number 6,253,167).

Claims 1, 10, 12, 14: Matsuda teaches a recording medium (hard disk -- Abstract)

having recorded therein a program and data used on a program execution system that

comprises a program execution device for executing various programs, at least one

operational device for allowing a user to enter an operation request as an operational

instruction into the program execution device, and a display device for displaying an

image output from the program execution device. (Fig 3) The program comprises a step

of generating a virtual game character (avatar or virtual life object) based at least on

appearance and personality parameters (Fig 8) of the virtual game character entered

according to the operational instruction by the user. (Col 11, 18-44) Generating the

virtual game character comprises a step of displaying an appearance selection screen for

displaying one appearance selected from a plurality of appearances – Col 11, 22-23.

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Matsuda teaches user selection of the appearance of the avatar. There are motion selection icons for allowing the virtual game character having a selected appearance to move. (Fig 9 shows icon E for causing the avatar to play tag – i.e., to move. Fig 19 shows other action icons.) These motion selection icons may be serially toggled by the user to determine the type of motion. The motion of the virtual game character is established by operating a selection icon adjacent said motion selection icon. Fig 9 shows icons labeled Active & Sleep. The virtual character does not act unless the Active icon is selected.

Claim 3: Matsuda teaches the user setting personality parameters (Fig 8) for the virtual game character for which at least the appearance is selected. (Col 11, 18-44) There must inherently be some mechanism for making this choice. This must be a personality setting screen for the virtual game character for which at least the appearance is selected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda as applied to claim 1 above, and further in view of Shackelford (US Patent Number 6,554,679).

Claim 4: Matsuda teaches the invention substantially as claimed. Matsuda teaches setting a language ability parameter (Fig 8), but does not teach a step of displaying a screen for setting a conversation language for the virtual game character for which at

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least the conversation language is selected. Shackelford teaches a virtual character raising game in which the virtual character may speak more than one language.

Shackelford teaches a step of displaying a screen for setting a conversation language for the virtual game character for which at least the conversation language is selected. (Col 12, 1-12) Shackelford teaches that this is attractive to parents who wish their child to learn a second language. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuda to include a screen for setting a conversation language for the virtual game character for which at least the conversation language is selected as suggested by Shackelford in order to be attractive to parents who wish their child to learn a second language.

6. Claims 5-9, 11, 13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda, and further in view of Yokoi (US Patent Number 5,966,526).

Claims 5, 7-8, 11, 13, 15: Matsuda teaches a recording medium having recorded therein a program and data used on a program execution system that comprises a program execution device for executing various programs. There is at least one operational device (i.e., mouse) for allowing a user to enter an operation request as an operational instruction into the program execution device (i.e., computer), and a display device for displaying an image output from the program execution device. (Fig 3) The program comprises a step of raising one or more virtual game characters displayed on the display device.

Matsuda teaches the invention substantially as claimed. Matsuda teaches breeding (which is equivalent to marriage) of virtual characters (Abstract), but does not teach the details of how this is accomplished. Yokoi gives the details of the breeding of

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virtual creatures. Yokoi teaches a step of generating an event for virtually marrying (i.e., breeding or coupling), through a network, the virtual game character under raising by the user to another virtual game character under raising by another user. (Fig 12)

Yokoi teaches the step for generating an event comprises a step of informing the user of a virtual game character who attained the marriageable age from one or more virtual game characters. (Col 12, 36-58) If the creature has not attained marriageable age, the coupling is not allowed to take place and the creature goes to sleep. The act of coupling informs the player that the virtual game character has attained marriageable age.

Yokoi's Fig 12 (SP73) determines whether the two characters are suitable for coupling (i.e., marriage). (Col 12, 35-56) This is essentially, a step of generating an event for arranging a premarital interview arranged, solicited and conducted between the virtual game character raised by the user and another virtual game character raised by another user.

A breeding function increases the player enjoyment of the game by allowing the player to create new virtual pets. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuda as suggested by Yokoi to include teaches a step of generating an event for virtually marrying (i.e., breeding or coupling), through a network, the virtual game character under raising by the user to another virtual game character under raising by another user in order to increase the player enjoyment of the game by allowing the player to create new virtual pets.

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Claim 6: There is a step of determining motion of the virtual game character based on the set conduct information – activating the “E button” cause the virtual game character to play tag.

Response to Arguments

7. Applicant's arguments filed 8 April 2004 have been fully considered but they are not persuasive.

8. With respect to 1, 3, 10, 12, & 14, Applicant's arguments address the claims as amended and are addressed in the rejection of these claims.

9. Applicant argues that Yokoi fails to teach the complexities of the claimed premarital interview. This argument is not commensurate with the scope of the claims. Yokoi teaches determining if the match is suitable. This is equivalent to the claimed premarital interview. While Applicant's specification may describe a more complex arrangement, none of these complexities are actually claimed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Princess Maker – Legend of Another World – Raising a Daughter, Yoshida, 1995 teaches raising a daughter to marriage.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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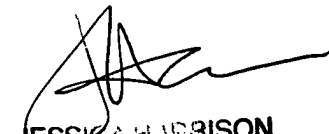
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc


JESSICA HARRISON
PRIMARY EXAMINER